

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 5553 OF 2005

Office Notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's orders

CORAM : B.P. DHARMADHIKARI, J.
FEBRUARY 27, 2007.

Heard Smt. Chandekar, learned counsel for the petitioner and Smt. Deshpande, learned counsel for the respondents.

The Industrial Court has rejected the complaint filed by present petitioner for his absorption on class III post by following Kalelkar Settlement on the ground that the petitioner does not possess requisite qualification. The Industrial Court has found that the petitioner is VIII standard pass while the requisite qualification for class III is S.S.C. The Industrial Court has also noticed that other employees who were absorbed on C.R.T. in class III cadre were possessing that qualification.

The matter is being heard since long and has been adjourned from time to time to enable the petitioner to demonstrate that no

qualification is required for absorption on C.R.T. The petitioner is not in a position to substantiate this aspect. Even the relevant provision is also not annexed with the petition. The provisions of Kalelkar Settlement contemplate creation of a post after the employee has worked for five years. It is, therefore, apparent that when creation of post is contemplated, a person holding it has to possess requisite qualification.

In these circumstances, I do not find any jurisdictional error or perversity in the order passed by the Industrial Court. Writ Petition is dismissed. No order as to costs.

JUDGE

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